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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,770	07/10/2003	Robert V. Nonneman	018360-261264	1969
826 7590 04/15/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER ZARE, SCOTT A	
			ART UNIT 3687	PAPER NUMBER
			MAIL DATE 04/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,770

Applicant(s)

NONNEMAN ET AL.

Examiner

SCOTT A. ZARE

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45, 48-56 and 60-143 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 and 60-124 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45, 48-56 and 60-143 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/21/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-45, and 48-56, and 127-128, 131-133, and 136-143 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Westbury et al.* (US 6,873,963, referred hereinafter as "*Westbury*") in view of *Savino et al.* (US 6,015,167, referred hereinafter as "*Savino*") in further view of *Swan et al.* (US 6,901,304, referred hereinafter as "*Swan*") in further view of *Boucher et al.* (US 2003/0097306, referred hereinafter as "*Boucher*").

In regard to claim 33 (and claims 127 and 128), *Westbury* discloses a system for transporting a package from a sender to a receiver by a carrier, the system comprising:

- a sender computer system (i.e., source **12**) comprising:
 - a processor configured to:
 - transmit object identification data identifying an object, the object variably defined by a sender to identify either a product, a package containing a product, or a group of packages containing products (see column 3, line 64 – column 4, line 10, disclosing a “part number”); and
- a carrier computer system (i.e., tracking system **20**) comprising:
 - a processor configured to:
 - receive the object identification data (see column 3, line 64 – column 4, line 10, disclosing “part number”);
 - receive package identification data (see column 3, line 64 – column 4, line 10, disclosing a “unique package number”);
 - receive event data that is generated as the object passes through at least one portal (see column 4, lines 25-65, disclosing “carrier **14** issues an electronic document to tracking system **20**” which include information such as “departure and arrival times”);
 - transmit the data to a second computer system (see column 3, lines 40-50, and FIG. 1, disclosing “Manufacturer **16**”).

In regard to the amended portion of claim 33, *Westbury* discloses storing the object identification in association with the package identification data and storing the event data in association with the package identification data (see column 5, lines 13-16, disclosing “tracking system 20 loads the information provided by all commodity information and all the carrier shipment notifications into a standard database”). Thus, although it may arguably be implicit, *Westbury* fails to explicitly disclose:

- linking the object identification directly with the package identification data and linking the event data directly with the package identification data; and
- storing the object identification data in association with the linked package identification data and the event data in association with the linked package identification data;

Savino discloses:

- linking the object identification directly with the package identification data and linking the event data directly with the package identification data (see column 2, lines 4-6 and Figure 5); and
- storing the object identification data in association with the linked package identification data and the event data in association with the linked package identification data (see column 3, lines 25-47 and Figure 2);

It would have been obvious to one of ordinary skill in the art to modify *Westbury* to include linking the object identification directly with the package identification data and linking the event data directly with the package identification and storing the object identification data in association with the linked package identification data and the event data in association with the linked package identification data as taught by *Savino* so that only a single bar code would need to be used as a package identifier to retrieve all relevant purchase order information. See column 1, lines 14-55.

Furthermore, *Westbury* does not disclose wherein the at least one portal has at least one scanner.

Savino further discloses a portal with a scanner. (See column 3, 25-47)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Westbury* to include wherein the portal has a scanner because scanners would allow the system to read information about the items at the portal and “maintain disposition information about the items, which is made visible to enterprises in the supply chain.” (See *Swan*, column 1, under “SUMMARY”).

Also, while *Westbury* discloses that the data can be read and used by computer systems implementing various data formats, protocols, and applications (see column 5, lines 15-48, disclosing “all commodity information and all the carrier shipment notifications [are loaded] into a standard database” to generate “the supply shipment report”), it does not specifically show tagging the object identification data, the package identification data, and the corresponding event data. *Savino* fails to cure this deficiency.

Boucher discloses tagging data so it can be read and used by computer systems implementing various data formats, protocols, and applications. (See paragraph 35, disclosing "specific data tags.")

It would have been obvious to one of ordinary skill in the art to modify *Westbury* in view of *Savino* to include data tags because "data tags would be required to describe output data in a complete form." (See paragraph 35.)

In regard to claim 34 and 131, *Westbury* further discloses wherein the object is the product. (See column 4, disclosing "supplier goods")

In regard to claim 35 and 132, *Westbury* further discloses wherein the object is the package. (See column 4, disclosing "shipment")

In regard to claim 36 and 133, *Westbury* does not disclose wherein the object is the group of packages. *Swan* discloses wherein the object is the group of packages. (See column 4, lines 20-30.)

It would have been obvious to one of ordinary skill in the art to modify *Westbury* in view of *Savino* to include wherein the object is the group of packages because that would allow "data structures and persistent storage 202 records" to "maintain[] a representation of the relationship, state, and history of logical and physical items tracked by the [system]."

In regard to claim 37 (dependent on claim 33), *Westbury* in view of *Savino* does not disclose wherein the object is a parent that contains at least one child object. *Swan* discloses wherein the object is a parent that contains at least one child object having respective object identification data. (See column 4, lines 20-30.)

It would have been obvious to one of ordinary skill in the art to modify *Westbury* in view of *Savino* to include wherein the object is a parent that contains at least one child object because that would allow "data structures and persistent storage 202 records" to "maintain[] a representation of the relationship, state, and history of logical and physical items tracked by the [system]."

In regard to claim 38 (dependent on claim 33), *Westbury* further discloses wherein the processor of the sender computer system is further configured to:

- transmit the package identification data to the carrier computer system. (See column 3, line 64 – column 4, line 10);

In regard to claim 39 (dependent on claim 33), *Westbury* does not disclose wherein the package identification data is provided by the scanner of the first portal to encounter the package as the carrier transports the package from sender to receiver. *Savino* discloses wherein package identification data is provided by the scanner of the first portal to encounter the package, yet is silent as to whether it must occur while the carrier transports the package from the sender to receiver.

Swan discloses wherein package identification data is provided by the scanner of the first portal to encounter the package as the carrier transports the package from sender to receiver. (See column 11, line 54 – column 12, line 30.)

It would have been obvious to one of ordinary skill in the art to modify *Westbury* in view of *Savino* to include wherein the package identification data is provided by the scanner of the first portal to encounter the package as the carrier transports the

package from sender to receiver to so that the system is could "provide for periodic updates of location." (See column 12, line 56.)

In regard to claim 40 (dependent on claim 33), *Westbury* does not disclose wherein the scanner comprises an optical scanner that scans the package identification data from a shipping label attached to the package. *Savino* discloses wherein the scanner comprises an optical scanner that scans the package identification data from a shipping label attached to the package. (See column 3, line 25-47.)

It would have been obvious to include wherein the scanner comprise an optical scanner that scans the package identification data because an optical scanner is one of many technologies that could be used to read information from a tagged item. (See column 3.)

In regard to claim 41 (dependent on claim 40), *Westbury* does not disclose wherein the package identification data is in the form of a barcode scanned by the optical scanner. (See column 4.)

Savino discloses wherein the package identification data is in the form of a barcode scanned by the optical scanner. (See column 3.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Westbury* to include wherein the package identification data is in the form of a barcode scanned by the optical scanner as taught by *Savino* so that it is not necessary to input data into a PC thus making the operation more efficient.

In regard to claim 42 (dependent on claim 41), *Westbury* in view of *Savino* does not disclose wherein the scanner comprises an electromagnetic scanner. *Swan*

discloses wherein the scanner comprises an electromagnetic scanner scanning at least the object identification data from the product inside of the package. (See column 4, line 60 – column 5, line 10.)

It would have been obvious to one of ordinary skill in the art to modify *Westbury* in view of *Savino* to include wherein the scanner comprises an electromagnetic scanner because that would allow a tag to be read “without physical contact between the tag and the reader.” (See column 4.)

In regard to claim 43 (dependent on claim 42), *Westbury* in view of *Savino* does not disclose wherein the object identification data is encoded in a radio frequency identification (RFID) tag scanned by the electromagnetic scanner. *Swan* teaches wherein the object identification data is encoded in a radio frequency identification (RFID) tag scanned by the electromagnetic scanner. (See column 4, line 60 – column 5, line 10.)

It would have been obvious to one of ordinary skill in the art to modify *Westbury* in view of *Savino* to include wherein the object identification data is encoded in a RFID tag scanned by the electromagnetic scanner as taught by *Swan* because that would allow a tag to be read “without physical contact between the tag and the reader.” (See column 4.)

In regard to claim 44 (dependent on claim 33), *Westbury* further discloses wherein the portal is associated with an event related to the status of the package in route from the sender to the receiver within the transport and storage network of the carrier. (See column 4, lines 25-65.)

In regard to claim 45 (dependent on claim 33), *Westbury* discloses wherein the portal is located at one of sender's location. (See column 4 lines 25-65.)

In regard to claim 48 (dependent on claim 33), *Westbury* further discloses wherein the event data includes description data associated with the event. (See column 4, e.g., "ETA".) *Westbury* further describes the event by using the identify of at least one of the scanner and portal (in this case the portal) reporting the package identification data to the carrier computer system. (See column 4, lines 25-45.)

In regard to claim 49 (dependent on claim 48), *Westbury* discloses wherein the description data comprises characters describing the event as at least one of "package pick up," "package received at pickup distribution hub," "package exited pickup distribution hub," "package on long-haul transport," "package off long-haul transport," "package arrived at receive distribution hub," "package exited receive distribution hub," and "package delivered." (See column 4, lines 25-45, disclosing "departure and arrival times.") It should further be noted that the specific quoted limitations in claim 49 are merely nonfunctional printed matter. USPTO personnel need not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate. See *In re Lowry*, 32 F.3d1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d1336, 70 USPQ2d 1862 (Fed. Cir. 2004). Thus, the limitations are given no patentable weight.

In regard to claim 50 (dependent on claim 33), *Westbury* further discloses wherein the event data comprises location data indicating a location at which the event occurred. (See column 4, lines 25-45, disclosing "pickup location.")

In regard to claim 51 (dependent on claim 50), *Westbury* further discloses wherein the processor of the carrier computer system is further configured to:

- determine the location at which the event occurred based on data identifying at least one of the scanner and portal received with the package identification data. (See column 4, lines 25-45.)

In regard to claim 52 (dependent on claim 50), *Westbury* does not disclose a scanner. *Savino* discloses a scanner, but fails to disclose generates location data indicating a location at which the event corresponding to the event data occurred, the location data included with the package identification data reported by the scanner.

Swan discloses the scanner, wherein the scanner generates location data indicating a location at which the event corresponding to the event data occurred, the location data included with the package identification data reported by the scanner.

Swan further discloses a portal with a scanner which generates location data indicating a location at which the event corresponding to the event data occurred. (See column 4, line 50 - column 5, line 10.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Westbury* in view of *Savino* to include wherein the portal has a scanner because scanners would allow the system to read information about the items at the portal and "maintain disposition information about the items, which is made visible to enterprises in the supply chain." (See column 1, under "SUMMARY".)

In regard to claim 53 (depending on claim 52), *Westbury* discloses wherein the location includes at least the sender's location. (See column 4 lines 25-65.)

In regard to claim 54 (dependent on claim 33), *Westbury* discloses wherein the event data comprises data indicating date and time at which the event occurred. (See column 4 lines 25-65.)

In regard to claims 55-56 (dependent on claim 54), *Westbury* discloses wherein the processor of the carrier computer system is further configured to:

- timestamp the received package identification data with date and time data and store the same in association with the package identification. (See column 4 lines 25-65)

Westbury does not disclose wherein the package identification data is received from the scanner. *Savino* discloses wherein the package identification data is received from the scanner. (See column 3.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include wherein the package identification data is received from the scanner because that would allow a tag to be read "without physical contact between the tag and the reader." (See *Swan*, column 4.)

In regard to claim 56 (dependent on claim 54), *Westbury* in view of *Savino* does not disclose wherein the scanner timestamps the package identification data and transmits the same to the carrier computer system. However, *Westbury* does disclose receiving the package identification data and transmitting the package identification information to the carrier computer system. (See column 4.)

Swan discloses wherein the package identification data is time stamped by the scanner. (See column 4, line 50 - column 5, line 10 and column 14, lines 5-12, disclosing "timestamp.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to include wherein the package identification data is received from the scanner because that would allow a tag to be read "without physical contact between the tag and the reader." (See column 4.)

In regard to claims 136-137, *Boucher* further discloses where the tagged data is in an extensible markup language format. (See paragraph 35.)

In regard to claim 138, *Savino* further discloses the system of claim 33, wherein the processor is further configured to generate the link between the object identification data and the package identification data by associating one or more records of the object identification data with one or more corresponding records of the package identification data (see column 3, lines 25-47 and Figure 2).

In regard to claim 139, *Savino* further discloses the system of claim 127, wherein the processor is further configured to generate the link between the object identification data and the package identification data by associating one or more records of the object identification data with one or more corresponding records of the package identification data (see column 3, lines 25-47 and Figure 2).

In regard to claim 140, *Savino* further discloses the system of claim 33, wherein the processor is further configured to:

- generate a record indicative of the link between the package identification data and the event data (see column 3, lines 25-47 and Figure 2); and
- store the record (see column 3, lines 25-47 and Figure 2)..

In regard to claim 141, *Savino* further discloses the system of claim 127, wherein the processor is further configured to:

- generate a record indicative of the link between the package identification data and the event data (see column 3, lines 25-47 and Figure 2).; and
- store the record (see column 3, lines 25-47 and Figure 2).

In regard to claim 142, *Savino* further discloses the system of claim 33, wherein the processor is further configured to link the event data to the object identification data based on the record (see column 3, lines 25-47 and Figure 2).

In regard to claim 143, *Savino* further discloses the system of claim 127, wherein the processor is further configured to link the event data to the object identification data based on the record (see column 3, lines 25-47 and Figure 2).

Claims 125-126 and 129-130 and 134-135 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Westbury* in view of *Savino* in view of *Swan* in view of *Boucher* in further view of *Bengston* (US 2002/0049781).

In regard to claim 125 and 129, *Westbury* in view of *Savino* in view of *Swan* in view of *Boucher* discloses a system further comprising:

- A second computer system comprising:

- a processor configured to:
 - receive the tagged data from the carrier computer system (see *Westbury*, column 3, lines 35-50, disclosing three links so that the tracking system can communicate with three computer systems, namely the supplier **12**, carrier **14**, and manufacturer **26**);

However, *Westbury* in view of *Savino* in view of *Swan* in view of *Boucher* does not disclose:

- a processor configured to:
 - retrieve a corresponding network address of a third computer system; and
 - transmit the network address to the carrier computer system.

Bengston teaches retrieving a network address of a computer system and transmit the network address to a second computer system (see paragraphs 40-41, and 45; see also Fig. 5 and Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Westbury* in view of *Savino* in view of *Swan* in view of *Boucher* to include to retrieve a network address of a third computer system and transmitting the network address to the carrier computer system as taught by *Bengston* because that would allow third parties to receive updated information regarding the packages in transmit.

In regard to claim 126 and 130, *Westbury* further discloses a system further comprising:

- A third computer system (see column 3, lines 35-50, disclosing three links so that the tracking system can communicate with three computer systems, namely the supplier **12**, carrier **14**, and manufacturer **26**; see also column 7, line 50 - column 8, line 25) corresponding to the network address comprising:
 - a processor configured to:
 - receive and store the tagged data (see column 3, lines 35-50; see also column 7, line 50 - column 8, line 25);
 - receive a request from one or more other computer systems of the sender, carrier, receiver, or supplier for the tagged data (see column 3, lines 35-50; see also column 7, line 50 - column 8, line 25) and
 - to retrieve and transmit the tagged data that can be read and used by computer systems implementing various data formats, protocols, and applications (see column 3, lines 35-50; see also column 7, line 50 - column 8, line 25).

In regard to claims 134 and 135, *Westbury* in view of *Savino* in view of *Swan* discloses a system wherein the third computer system transmitting object identification data, the package data, the event data and the tagged data to a fourth computing system comprising a processor configured to utilize the object identification data, the package data and the event data in one or more applications of the fourth computing system.

Westbury in view of *Savino* in view of *Swan* fails to disclose:

- transmitting a network address to the carrier computer system wherein the processor of the carrier computer system utilizes the network address.
- tagged data, wherein the tagged data is used to incorporate other data in one or more applications of the fourth computing system.

Boucher discloses tagging data so it can be read and used by computer systems implementing various data formats, protocols, and applications. (See paragraph 35, disclosing "specific data tags.")

It would have been obvious to one of ordinary skill in the art to modify *Westbury* in view of *Savino* in view of *Swan* to include data tags because "data tags would be required to describe output data in a complete form." (See paragraph 35.)

Westbury in view of *Savino* in view of *Swan* in view of *Boucher* fails to teach: wherein the third computer system transmits a network address to the carrier computer system, the processor of the carrier computer system utilizes the network address to transmit the object identification data, the package data, the event data and the tagged data to a fourth computing system comprising a processor configured to utilize the tagged data to incorporate the object identification data, the package data and the event data in one or more applications of the fourth computing system.

Bengston teaches retrieving a network address of a computer system and transmit the network address to a second computer system (see paragraphs 40-41, and 45; see also Fig. 5 and Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Westbury* in view of *Savino* in view of *Swan* in view of *Boucher* to

include to retrieve a network address of a fourth computer system and transmitting the network address to the carrier computer system as taught by *Bengston* because that would allow third parties to receive updated information regarding the packages in transmit.

Response to Arguments

Applicant's arguments with respect to claims 33-40, 42-45, 48-56, 41, 125-133, 134-137, and 138-143 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT A. ZARE whose telephone number is (571)270-3266. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Gart can be reached on (571) 272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

Scott A Zare
Art Unit 3687
April 13, 2009